

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LISA ANN DOLPH-HOSTETTER,

Petitioner,

v.

Case No. 11-11177

MILLICENT WARREN,

Respondent.

**ORDER GRANTING PETITIONER'S "APPLICATION TO PROCEED
WITH AN APPEAL WITHOUT PREPAYMENT OF FEES AND COSTS"**

Petitioner Lisa Ann Dolph-Hostetter filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court denied the petition on November 27, 2013, and also declined to issue a certificate of appealability. Petitioner has filed a Notice of Appeal. Now before the court is Petitioner's "Application to Proceed With an Appeal Without Prepayment of Fees and Costs."

Federal Rule of Appellate Procedure 24(a)(1) provides that a party to a district-court action who desires to appeal *in forma pauperis* must file a motion in the district court. An appeal may not be taken *in forma pauperis* if the court determines that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). "[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 631 (7th Cir. 2000).

Although the court held that reasonable jurists would not find the court's decision that the petition was meritless to be debatable or wrong, the court finds that an appeal may be taken in good faith.

Accordingly,

IT IS ORDERED that Petitioner's "Application to Proceed With an Appeal Without Prepayment of Fees and Costs" [Dkt. # 11] is GRANTED.

s/Robert H. Cleland

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 31, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 31, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner

Case Manager and Deputy Clerk
(313) 234-5522